

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

January 30, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

| Bill | Amendment | Action | Sponsor |
|---------------|------------------|---------------|-------------------------|
| HF 2118 | H-8002 | Filed | CARLSON of Muscatine |
| HF 2118 | H-8003 | Filed | MEYER of Polk |

Fiscal Notes

SF 2099 — Probate, Small Estates (LSB5191SV)

HF 2118 — Automated Traffic Law Enforcement Ban (LSB5244HV)

HOUSE FILE 2118

H-8002

1 Amend House File 2118 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 321.1, Code 2017, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 5A. "*Automated traffic law enforcement*
7 *system*" means a device used for the enforcement of laws
8 regulating vehicular traffic and equipped with one or more
9 sensors working in conjunction with one of the following:

10 a. An official traffic-control signal, to produce recorded
11 images of motor vehicles entering an intersection against a red
12 signal light.

13 b. A speed measuring device, to produce recorded images of
14 motor vehicles traveling at a prohibited rate of speed.

15 c. A railroad grade crossing signal light, as described in
16 section 321.342, to produce recorded images of motor vehicles
17 violating the signal light.

18 d. Any official traffic-control device, if failure to comply
19 with the official traffic-control device constitutes a moving
20 violation under this chapter.

21 Sec. 2. NEW SECTION. 321.492C Automated traffic law
22 enforcement systems.

23 1. The department shall not place, operate, maintain,
24 or employ the use of any automated traffic law enforcement
25 system. The department shall not cause to be placed any
26 automated traffic law enforcement system except as provided in
27 this section or in rules adopted by the department under this
28 section.

29 2. a. A local authority, or another entity on a local
30 authority's behalf, shall not operate an automated traffic law
31 enforcement system without approving the use of the system
32 following an established self-certification process. The
33 self-certification process shall include a justification report
34 meeting the requirements of paragraph "b", which shall be
35 made readily available for the public to review, and a public

1 hearing at which the local authority shall provide evidence
2 of a demonstrated safety need for the automated traffic law
3 enforcement system. Notice of the date, time, and place of
4 the hearing shall be published in the manner described in
5 section 362.3. A public hearing may address several locations
6 at which a local authority intends to place an automated
7 traffic law enforcement system. However, a local authority
8 shall adopt an ordinance approving the use of an automated
9 traffic law enforcement system for each location at which the
10 local authority operates a fixed or mobile automated traffic
11 law enforcement system. A local authority may approve the
12 operation of an automated traffic law enforcement system
13 only if the system is located in a documented high-crash or
14 high-risk location at which there is a demonstrated safety
15 need for the system. The local authority shall demonstrate
16 the safety need for the system based on the volume of traffic,
17 the history of motor vehicle accidents, the frequency and type
18 of traffic violations, the risk to peace officers employing
19 traditional traffic enforcement methods, any additional
20 information required in the justification report, and any other
21 safety criteria deemed appropriate by the local authority.
22 These requirements shall apply for each location at which a
23 local authority, or another entity on a local authority's
24 behalf, operates a fixed or mobile automated traffic law
25 enforcement system.

26 *b.* A justification report shall provide all necessary
27 information and documentation to demonstrate whether an area is
28 a high-crash or high-risk location and shall include but not be
29 limited to documentation regarding all the following:

30 (1) Existing traffic speeds, posted speed limits,
31 traffic volumes, and intersection or roadway geometry. Such
32 documentation shall provide assurance that existing speed
33 limits and official traffic-control signal timings are
34 appropriate and shall describe how the limits and timings were
35 established.

1 (2) The applicable motor vehicle accident history, the
2 primary accident types, accident causes, accident severity, and
3 the history of any related traffic violations. Only accidents
4 attributable to violating the speed limit or an official
5 traffic-control signal shall be included in this report. Such
6 documentation shall compare accident data with data from other
7 similar locations within the local authority's jurisdiction,
8 other similar jurisdictions, and larger metropolitan areas.

9 (3) The identification of critical traffic safety issues
10 related to the data required by subparagraphs (1) and (2),
11 including a comprehensive list of solutions that may address
12 the critical traffic safety issues.

13 (4) Solutions or safety countermeasures that the local
14 authority has implemented along with those that the local
15 authority has considered but not implemented. These may
16 include solutions relating to law enforcement, engineering,
17 public education campaigns, or other safety countermeasures.

18 (5) Discussions held and actions taken by the local
19 authority with any partnering entities that have resources
20 which could aid in the reduction of accidents attributable
21 to violating the speed limit or an official traffic-control
22 signal.

23 (6) The reason or reasons the local authority believes an
24 automated traffic law enforcement system is the best solution
25 to address the critical traffic safety issues.

26 *c.* A local authority, or another entity on a local
27 authority's behalf, shall not operate an automated traffic law
28 enforcement system without posting signage meeting all of the
29 following requirements:

30 (1) For a fixed automated traffic law enforcement system,
31 permanent signs advising drivers that the system is in place
32 shall be posted in clear and present view of passing drivers in
33 advance of the location where the system is in use.

34 (2) For a mobile automated traffic law enforcement system,
35 temporary or permanent signs advising drivers that the system

1 is in place shall be posted in clear and present view of
2 passing drivers in advance of the location where the system is
3 in use.

4 (3) The signage conforms to the manual on uniform
5 traffic-control devices as adopted by the department.

6 d. A local authority, or another entity on a local
7 authority's behalf, shall not issue a citation resulting from
8 the use of an automated traffic law enforcement system until
9 an active peace officer of the local authority has reviewed
10 the citation and any relevant recorded images produced by the
11 system.

12 e. The amount of the fine or civil penalty imposed by a
13 citation resulting from the use of an automated traffic law
14 enforcement system shall not exceed the amount of the fine for
15 a scheduled violation under section 805.8A for the same or a
16 similar violation of this chapter.

17 f. An automated traffic law enforcement system working
18 in conjunction with a speed measuring device or official
19 traffic-control signal shall comply with the generally accepted
20 procedures for operating the system. An automated traffic law
21 enforcement system shall verify its internal calibrations on a
22 daily basis. If the daily internal calibration is not valid,
23 the system shall not operate until a successful calibration
24 is subsequently conducted. In addition to the daily internal
25 calibration, a monthly calibration shall be conducted by a
26 person trained in the calibration of the system. A person
27 trained in the calibration of a mobile automated traffic law
28 enforcement system shall also conduct a calibration prior to
29 the use of the mobile system after any change in location.
30 A local authority, or another entity on a local authority's
31 behalf, operating an automated traffic law enforcement
32 system shall maintain a monthly log detailing whether the
33 local authority or entity successfully performed the daily
34 and monthly calibrations. The log and documentation of the
35 calibrations shall be admissible in any court proceeding

1 relating to an official traffic-control signal violation
2 pursuant to section 321.257 or a speed limit violation pursuant
3 to section 321.285.

4 *g.* A local authority shall maintain or compile records
5 relating to the number of traffic violations and number
6 of traffic accidents for all locations at which the local
7 authority, or another entity on a local authority's behalf,
8 operates or intends to operate an automated traffic law
9 enforcement system. Such records shall be maintained or
10 compiled by the local authority for one year prior to the
11 installation of the automated traffic law enforcement system
12 and for each year the automated traffic law enforcement
13 system is in operation. Such records shall be available for
14 examination to the same extent allowed in section 22.2. A
15 local authority with an automated traffic law enforcement
16 system operating within its jurisdiction shall file an annual
17 report with the general assembly on or before December 31 of
18 each year detailing the effectiveness of each automated traffic
19 law enforcement system operating within its jurisdiction. An
20 annual report shall include the justification report described
21 in paragraph "b" and shall also include but not be limited to
22 information relating to increases or decreases in the number of
23 speed limit violations, violations of official traffic-control
24 signals, and traffic accidents.

25 *h.* Prior to a local authority placing an automated traffic
26 law enforcement system on a primary road, the local authority
27 shall obtain approval from the department in accordance
28 with rules adopted by the department. A local authority
29 shall submit to the department any information requested by
30 the department during the approval process. If the local
31 authority's use of the system is approved by the department,
32 the local authority shall follow the requirements set forth
33 in rules adopted by the department. The department may
34 modify its rules relating to automated traffic law enforcement
35 systems to the extent necessary to ensure automated traffic

1 law enforcement systems are operated in a safe and equitable
2 manner. This paragraph "h" shall not apply to an automated
3 traffic law enforcement system approved or allowed to operate
4 in accordance with rules adopted by the department and in
5 operation prior to January 1, 2017. A local authority may
6 continue to operate such a system in the same manner as the
7 system was operated prior to January 1, 2017. However, after a
8 local authority discontinues operation of such a system, any
9 new manner of operation or new system operated by the local
10 authority shall comply with this paragraph "h". The department
11 shall have the authority to annually review all automated
12 traffic law enforcement systems placed on primary roads and
13 shall have the authority to require removal or modification of
14 such systems.

15 *i.* A local authority shall designate a process by which
16 a person may appeal a citation issued through the use of an
17 automated traffic law enforcement system, which at a minimum
18 shall provide for all of the following:

19 (1) An appeal to an impartial body created by the local
20 authority to review citations issued through the use of
21 automated traffic law enforcement systems.

22 (2) Following a decision from the impartial body that is
23 adverse to the person, an appeal to the district court, sitting
24 in small claims, of the county in which the local authority is
25 located.

26 *j.* (1) A local authority shall authorize a petition process
27 by which citizens within the local authority may petition for
28 the removal of a fixed automated traffic law enforcement system
29 or the disapproval of a location approved for the use of mobile
30 automated traffic law enforcement systems in accordance with
31 this section. Petitions under this paragraph "j" shall be
32 specific to one fixed system or one location approved for the
33 use of mobile systems.

34 (2) If the local authority is a city, a petition brought
35 under this paragraph "j" is valid if it is signed by a number

1 of eligible electors of the city equal to or greater than ten
2 percent of the number of persons who voted in the last regular
3 city election. The petition shall include the signatures of
4 the petitioners, the places of residence of the petitioners,
5 and the date on which the petitioners signed the petition.

6 (3) If the local authority is a county, a petition brought
7 under this paragraph "j" is valid if it is signed by a number
8 of eligible electors of the county equal to or greater than
9 ten percent of the number of votes cast in the county in the
10 last presidential election. The petition shall include the
11 signatures of the petitioners, the places of residence of the
12 petitioners, and the date on which the petitioners signed the
13 petition.

14 (4) If a petition is valid as provided in this paragraph
15 "j", the city council or county board of supervisors, as
16 applicable, shall vote on whether to repeal the ordinance
17 allowing the operation of the fixed system or approving the
18 location for the use of mobile systems.

19 (5) If a city council or county board of supervisors has
20 voted pursuant to subparagraph (4), a new petition for the same
21 fixed system or the same location approved for use of mobile
22 systems shall not be valid for three years after the date of
23 the vote.

24 k. A local authority that operates an automated traffic
25 law enforcement system in violation of this section shall be
26 precluded from operating any automated traffic law enforcement
27 system for a period of two years. A citizen residing within
28 the jurisdiction of a local authority which violates this
29 section shall be allowed to file suit to enjoin the local
30 authority from operating an automated traffic law enforcement
31 system in accordance with this paragraph "k".

32 3. All moneys collected by a local authority from citations
33 issued as a result of the use of an automated traffic law
34 enforcement system, less the amount necessary for the
35 installation, operation, and maintenance of the automated

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1 traffic law enforcement system, shall be deposited in the
2 account or accounts maintained by the local authority for
3 moneys appropriated to the local authority from the secondary
4 road fund or street construction fund of the cities, or shall
5 be deposited in any account and used for the purposes of public
6 safety. This subsection shall not apply to moneys collected
7 for court costs or other associated costs, the criminal penalty
8 surcharge required by section 911.1, or the county enforcement
9 surcharge required by section 911.4, as applicable.>

10 2. Title page, by striking lines 1 through 3 and inserting
11 <An Act regulating the use of automated traffic law enforcement
12 systems, and providing a penalty.>

13 3. By renumbering as necessary.

By CARLSON of Muscatine

H-8002 FILED JANUARY 29, 2018

HOUSE FILE 2118

H-8003

1 Amend House File 2118 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 321.1, Code 2018, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 06B. "*Automated traffic law enforcement*
7 *system*" means a device used for the enforcement of laws
8 regulating vehicular traffic and equipped with one or more
9 sensors working in conjunction with one of the following:

10 a. An official traffic-control signal, to produce recorded
11 images of motor vehicles entering an intersection against a red
12 signal light.

13 b. A speed measuring device, to produce recorded images of
14 motor vehicles traveling at a prohibited rate of speed.

15 c. A railroad grade crossing signal light, as described in
16 section 321.342, to produce recorded images of motor vehicles
17 violating the signal light.

18 d. Any official traffic-control device, if failure to comply
19 with the official traffic-control device constitutes a moving
20 violation under this chapter.

21 Sec. 2. NEW SECTION. 321.492C Automated traffic law
22 enforcement systems.

23 1. The department shall not place, operate, maintain,
24 or employ the use of any automated traffic law enforcement
25 system. The department shall not cause to be placed any
26 automated traffic law enforcement system except as provided in
27 this section or in rules adopted by the department under this
28 section.

29 2. a. A local authority, or another entity on a local
30 authority's behalf, shall not operate an automated traffic law
31 enforcement system without approving the use of the system
32 following an established self-certification process. The
33 self-certification process shall include a justification report
34 meeting the requirements of paragraph "b", which shall be
35 made readily available for the public to review, and a public

1 hearing at which the local authority shall provide evidence
2 of a demonstrated safety need for the automated traffic law
3 enforcement system. Notice of the date, time, and place of the
4 hearing shall be published in the manner described in section
5 362.3. A public hearing may address several locations at
6 which a local authority intends to place an automated traffic
7 law enforcement system. However, a local authority shall
8 adopt a separate ordinance approving the use of an automated
9 traffic law enforcement system for each location at which the
10 local authority operates a fixed or mobile automated traffic
11 law enforcement system. A local authority may approve the
12 operation of an automated traffic law enforcement system
13 only if the system is located in a documented high-crash or
14 high-risk location at which there is a demonstrated safety
15 need for the system. The local authority shall demonstrate
16 the safety need for the system based on the volume of traffic,
17 the history of motor vehicle accidents, the frequency and type
18 of traffic violations, the risk to peace officers employing
19 traditional traffic enforcement methods, any additional
20 information required in the justification report, and any other
21 safety criteria deemed appropriate by the local authority.
22 These requirements shall apply for each location at which a
23 local authority, or another entity on a local authority's
24 behalf, operates a fixed or mobile automated traffic law
25 enforcement system.

26 *b.* A justification report shall provide all necessary
27 information and documentation to demonstrate whether an area is
28 a high-crash or high-risk location and shall include but not be
29 limited to documentation regarding all the following:

30 (1) Existing traffic speeds, posted speed limits,
31 traffic volumes, and intersection or roadway geometry. Such
32 documentation shall provide assurance that existing speed
33 limits and official traffic-control signal timings are
34 appropriate and shall describe how the limits and timings were
35 established.

1 (2) The applicable motor vehicle accident history,
2 including accident severity, and the history of traffic
3 violations for accidents occurring at the location attributable
4 to violating the speed limit or an official traffic-control
5 signal. Such documentation shall compare accident data with
6 data from other similar locations within the local authority's
7 jurisdiction, other similar jurisdictions, and larger
8 metropolitan areas.

9 (3) The identification of critical traffic safety issues
10 related to the data required by subparagraphs (1) and (2),
11 including a comprehensive list of solutions that may address
12 the critical traffic safety issues.

13 (4) Solutions or safety countermeasures that the local
14 authority has implemented along with those that the local
15 authority has considered but not implemented. These may
16 include solutions relating to law enforcement, engineering,
17 public education campaigns, or other safety countermeasures.

18 (5) Discussions held and actions taken by the local
19 authority with any partnering entities that have resources
20 which could aid in the reduction of accidents attributable
21 to violating the speed limit or an official traffic-control
22 signal.

23 (6) The reason or reasons the local authority believes an
24 automated traffic law enforcement system is the best solution
25 to address the critical traffic safety issues.

26 *c.* A local authority, or another entity on a local
27 authority's behalf, shall not operate an automated traffic law
28 enforcement system without posting signage meeting all of the
29 following requirements:

30 (1) For a fixed automated traffic law enforcement system,
31 permanent signs advising drivers that the system is in place
32 shall be posted in clear and present view of passing drivers in
33 advance of the location where the system is in use.

34 (2) For a mobile automated traffic law enforcement system,
35 temporary or permanent signs advising drivers that the system

1 is in place shall be posted in clear and present view of
2 passing drivers in advance of the location where the system is
3 in use.

4 (3) The signage conforms to the manual on uniform
5 traffic-control devices as adopted by the department.

6 d. A local authority, or another entity on a local
7 authority's behalf, shall not issue a citation resulting from
8 the use of an automated traffic law enforcement system until
9 an active peace officer of the local authority has reviewed
10 the citation and any relevant recorded images produced by the
11 system.

12 e. The amount of the fine or civil penalty imposed by a
13 citation resulting from the use of an automated traffic law
14 enforcement system shall not exceed the amount of the fine for
15 a scheduled violation under section 805.8A for the same or a
16 similar violation of this chapter.

17 f. An automated traffic law enforcement system working
18 in conjunction with a speed measuring device or official
19 traffic-control signal shall comply with the generally accepted
20 procedures for operating the system. An automated traffic law
21 enforcement system shall verify its internal calibrations on a
22 daily basis. If the daily internal calibration is not valid,
23 the system shall not operate until a successful calibration
24 is subsequently conducted. In addition to the daily internal
25 calibration, a monthly calibration shall be conducted by a
26 person trained in the calibration of the system. A person
27 trained in the calibration of a mobile automated traffic law
28 enforcement system shall also conduct a calibration prior to
29 the use of the mobile system after any change in location.
30 A local authority, or another entity on a local authority's
31 behalf, operating an automated traffic law enforcement
32 system shall maintain a monthly log detailing whether the
33 local authority or entity successfully performed the monthly
34 calibrations and whether the system successfully performed the
35 daily internal calibrations. The log and documentation of

1 the calibrations shall be admissible in any court proceeding
2 relating to an official traffic-control signal violation
3 pursuant to section 321.257 or a speed limit violation pursuant
4 to section 321.285.

5 *g.* A local authority shall maintain or compile records
6 relating to the number of traffic violations and number
7 of traffic accidents for all locations at which the local
8 authority, or another entity on a local authority's behalf,
9 operates or intends to operate an automated traffic law
10 enforcement system. Such records shall be maintained or
11 compiled by the local authority for one year prior to the
12 installation of the automated traffic law enforcement system
13 and for each year the automated traffic law enforcement
14 system is in operation. Such records shall be available for
15 examination to the same extent allowed in section 22.2. A
16 local authority with an automated traffic law enforcement
17 system operating within its jurisdiction shall file an annual
18 report with the general assembly on or before December 31 of
19 each year detailing the effectiveness of each automated traffic
20 law enforcement system operating within its jurisdiction. An
21 annual report shall include the justification report described
22 in paragraph "b" and shall also include but not be limited to
23 information relating to increases or decreases in the number of
24 speed limit violations, violations of official traffic-control
25 signals, and traffic accidents.

26 *h.* Prior to a local authority placing an automated traffic
27 law enforcement system on a primary road, the local authority
28 shall obtain approval from the department in accordance
29 with rules adopted by the department. A local authority
30 shall submit to the department any information requested by
31 the department during the approval process. If the local
32 authority's use of the system is approved by the department,
33 the local authority shall follow the requirements set forth
34 in rules adopted by the department. The department may
35 modify its rules relating to automated traffic law enforcement

1 systems to the extent necessary to ensure automated traffic
2 law enforcement systems are operated in a safe and equitable
3 manner. This paragraph "h" shall not apply to an automated
4 traffic law enforcement system approved or allowed to operate
5 in accordance with rules adopted by the department and in
6 operation prior to January 1, 2018. A local authority may
7 continue to operate such a system in the same manner as the
8 system was operated prior to January 1, 2018. However, after a
9 local authority discontinues operation of such a system, any
10 new manner of operation or new system operated by the local
11 authority shall comply with this paragraph "h". The department
12 shall have the authority to annually review all automated
13 traffic law enforcement systems placed on primary roads and
14 shall have the authority to require removal or modification of
15 such systems.

16 *i.* A local authority shall designate a process by which
17 a person may appeal a citation issued through the use of an
18 automated traffic law enforcement system, which at a minimum
19 shall provide for all of the following:

20 (1) An appeal to an impartial body created by the local
21 authority to review citations issued through the use of
22 automated traffic law enforcement systems.

23 (2) Following a decision from the impartial body that is
24 adverse to the person, an appeal to the district court, sitting
25 in small claims, of the county in which the local authority is
26 located.

27 *j.* (1) A local authority shall authorize a petition process
28 by which citizens within the local authority may petition for
29 the removal of a fixed automated traffic law enforcement system
30 or the disapproval of a location approved for the use of mobile
31 automated traffic law enforcement systems in accordance with
32 this section. Petitions under this paragraph "j" shall be
33 specific to one fixed system or one location approved for the
34 use of mobile systems.

35 (2) If the local authority is a city, a petition brought

1 under this paragraph "j" is valid if it is signed by a number
2 of eligible electors of the city equal to or greater than ten
3 percent of the number of persons who voted in the last regular
4 city election. The petition shall include the signatures of
5 the petitioners, the places of residence of the petitioners,
6 and the date on which the petitioners signed the petition.

7 (3) If the local authority is a county, a petition brought
8 under this paragraph "j" is valid if it is signed by a number
9 of eligible electors of the county equal to or greater than
10 ten percent of the number of votes cast in the county in the
11 last presidential election. The petition shall include the
12 signatures of the petitioners, the places of residence of the
13 petitioners, and the date on which the petitioners signed the
14 petition.

15 (4) If a petition is valid as provided in this paragraph
16 "j", the city council or county board of supervisors, as
17 applicable, shall vote on whether to repeal the ordinance
18 allowing the operation of the fixed system or approving the
19 location for the use of mobile systems.

20 (5) If a city council or county board of supervisors has
21 voted pursuant to subparagraph (4), a new petition for the same
22 fixed system or the same location approved for use of mobile
23 systems shall not be valid for three years after the date of
24 the vote.

25 k. A local authority that operates an automated traffic
26 law enforcement system in violation of this section shall be
27 precluded from operating any automated traffic law enforcement
28 system for a period of two years. A citizen residing within
29 the jurisdiction of a local authority which violates this
30 section shall be allowed to file suit to enjoin the local
31 authority from operating an automated traffic law enforcement
32 system in accordance with this paragraph "k".

33 3. All moneys collected by a local authority from citations
34 issued as a result of the use of an automated traffic law
35 enforcement system, less the amount necessary for the

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1 installation, operation, and maintenance of the automated
2 traffic law enforcement system, shall be deposited in the
3 account or accounts maintained by the local authority for
4 moneys appropriated to the local authority from the secondary
5 road fund or street construction fund of the cities, or shall
6 be deposited in any account and used for the purposes of public
7 safety.>

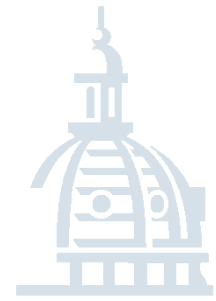
8 2. Title page, by striking lines 1 through 3 and inserting
9 <An Act regulating the use of automated traffic law enforcement
10 systems, and providing penalties.>

By MEYER of Polk

H-8003 FILED JANUARY 29, 2018

Fiscal Note

Fiscal Services Division



SF 2099 – Probate, Small Estates (LSB5191SV)

Analyst: Laura Book (Phone: 515.205.9275) (laura.book@legis.iowa.gov)

Fiscal Note Version – New

Description

Senate File 2099 relates to probate and the administration of small estates. The Bill raises the maximum value of a small estate as defined under Iowa Code section [635.1](#), from \$100,000 to \$200,000. Section 1 of the Bill would apply to estates opened or converted from administration on or after July 1, 2018. The Bill also makes various procedural changes to probate administration under Iowa Code chapter [635](#). The Bill is effective July 1, 2018.

Background

Under Iowa Code section [633.31\(2\)\(l\)](#), the clerk of court must charge and collect a fee of \$15 for services performed in the administration of a small estate of \$100,000 or less. If the estate is valued above \$100,000, the clerk collects the fees as prescribed in Iowa Code section [633.31\(2\)\(k\)](#). The current total fee for costs associated with the settlement of an estate valued at \$200,000 is \$380, and \$280 for estates valued at \$150,000.

Assumptions

- In FY 2017, there were 1,342 small estate cases filed. It is assumed there will be the same number of estates valued between \$100,000 and \$200,000, and the same number of small estates valued at \$100,000 or less, for future fiscal years.
- The number of small estate filings will eventually double if the small estate cap is raised to \$200,000.
- The average value of estates between \$100,000 and \$200,000 is \$150,000.
- The total amount of small estate filings and filings for estates valued between \$100,000 and \$200,000 will remain the same in FY 2019 and FY 2020.
- It is estimated to take at least two years for probate cases opened or converted from administration after July 1, 2018, to be closed and fees paid, and for the full fiscal impact to be known.

Fiscal Impact

Senate File 2099 is estimated to reduce fee revenues to the State General Fund within a year of implementation. The following chart shows an estimate of the fiscal impact over the next two fiscal years:

| Estimated Impact on Fee Revenue* | | | | | | |
|----------------------------------|-------------|----------------------|------------|-------------|----------------------|------------|
| | FY 2019 | | | FY 2020 | | |
| | Current Law | Proposed Law SF 2099 | Difference | Current Law | Proposed Law SF 2099 | Difference |
| Fee Revenue | \$395,890 | \$218,075 | -\$177,815 | \$395,890 | \$40,260 | -\$355,630 |

*For small estates and estates valued at \$100,000 - \$200,000.

Source

Iowa Judicial Branch

/s/ Holly M. Lyons

January 29, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 2118 – Automated Traffic Law Enforcement Ban (LSB5244HV)
Analyst: Michael Guanci (515.729.7755) (michael.guanci@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2118 prohibits the use of automated traffic enforcement (ATE) devices by the State and local authorities. This Bill requires the removal of all existing ATE devices by July 1, 2018.

Background

As of January 2018, eight cities operate 78 speeding and red light ATE devices. The State does not operate any ATE devices on the primary road system.

In January 2014, the Department of Transportation (DOT) adopted an administrative rule that regulated the use of ATE devices on the primary road system. In March 2015, the Department ordered nine traffic cameras on the primary road system to be removed. Of the nine ordered removed, seven remained in use pending rulings on several lawsuits filed by cities against the DOT. The ATE devices operating on secondary or city roads are not impacted by the DOT's existing administrative rules.

In April 2017, the Iowa district court for Polk County ruled that the DOT had the authority to regulate ATE devices on the primary road system. The ruling was upheld in June 2017 by the Iowa Supreme Court. By May 2017, the cities of Cedar Rapids, Des Moines, and Muscatine ceased issuing violations from ATE devices on the primary road system. Automated traffic enforcement devices operating on secondary or city roads were not impacted by the court ruling and are still operating per the local authorities' discretion.

Polk County declined to renew its vendor contract for ATE devices, and ceased issuing violations from its two mobile units in December 2017.

Assumptions

All existing ATE devices will cease operation on or before July 1, 2018. **Table 1** provides data on the number of ATE devices, base cost per violation, vendor's share, and share of local authorities' revenues.

TABLE 1

**Estimated Violations and Revenues from ATE Devices
(As of Jan. 26, 2017)**

| Local Authority | Fiscal Year | Number of Operating ATEs | Number of Violations Issued | Number of Violations Collected | Base Cost per Violation* | Vendor Revenue | Local Authority Revenue** |
|------------------------|--------------------|---------------------------------|------------------------------------|---------------------------------------|---------------------------------|-----------------------|----------------------------------|
| Cedar Rapids | FY 2017 | 28 | 124,346 | 66,405 | \$ 75 | \$ 2,095,213 | \$ 4,029,318 |
| Council Bluffs | FY 2017 | 12 | 18,869 | 12,367 | 100 | 507,047 | 732,170 |
| Davenport | CY 2017 | 14 | 39,807 | 22,785 | 65 | 478,485 | 1,002,540 |
| Des Moines | FY 2017 | 8 | 77,146 | 76,811 | 65 | 1,852,576 | 3,140,062 |
| Fort Dodge | FY 2017 | 2 | 7,169 | 5,776 | 75 | 165,403 | 274,517 |
| Muscatine | FY 2017 | 9 | 11,012 | 9,430 | 75 | 254,610 | 586,066 |
| Polk County | FY 2016 | 2 | 6,888 | 6,780 | 65 | 198,560 | 282,192 |
| Sioux City | FY 2017 | 2 | 18,932 | n/a | 100 | 648,075 | 1,427,745 |
| Windsor Heights | FY 2017 | 3 | 22,273 | 16,627 | 65 | 273,262 | 526,989 |
| Totals | | 80 | 326,442 | 216,981 | | \$ 6,473,231 | \$12,001,599 |

* Lowest violation amount. Actual violation amounts may increase depending on miles over the legal speed limit.

** Collected revenue may include fine moneys collected through Iowa Offset program for violations issued in prior years.

Source: Local authorities

Fiscal Impact

[House File 2118](#) has no fiscal impact to the State. The Bill will decrease revenue to local authorities by an estimated \$12.0 million per fiscal year. Refer to the totals in **Table 1** for revenue decreases per local authority. **Table 2** provides data on which local funds would be impacted.

TABLE 2

Local Funds Receiving ATE Revenues

| Authority | Fund Impacted |
|------------------|----------------------------------|
| Cedar Rapids | General Fund |
| Council Bluffs | General Fund |
| Davenport | General Fund |
| Des Moines | Police Operating Expenses |
| Fort Dodge | Salary Expenses for Police Dept. |
| Muscatine | Police Dept. |
| Polk County | Public Safety Fund |
| Sioux City | Public Safety Projects |
| Windsor Heights | General Fund & Police Dept. |

Sources

Cedar Rapids City Manager's Office
Council Bluffs Public Works
Davenport Police Department
Des Moines Government Relations
Fort Dodge Police Department
Muscatine Finance Department

Polk County Sheriff's Department
Sioux City Police Department
Windsor Heights Police Department
Iowa Department of Transportation

/s/ Holly M. Lyons

January 29, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.